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REMARK

Claims 1-15 are pending in the application. Applicants amend 1-2, 4-6, and 10-14 for clarification. Applicants refer to page 9, lines 1-6 of the specification for an exemplary embodiment of and support for the claimed invention. No new matter has been added.

The Examiner objected to the drawings under 37 CFR 1.83(a) for not showing every feature of the invention specified in the claims. In particular, the Examiner contended that the drawings did not show "distribution means," as recited in claim 2. Applicants amend claim 2 to remove the term "distribution means" and respectfully request that the Examiner withdraw the objection.

Applicants acknowledge with appreciation the Examiner's allowance of claim 15 and the finding that claims 2-3 and 7-9 contain allowable subject matter. The Examiner noted that claims 7-9 would be allowed if amended to overcome the Examiner's §112, ¶2 rejections. The Examiner did not, however, reject these claims under §112, ¶2. In any event, Applicants respectfully submit that base claim 1, as demonstrated below, is patentable over the cited references. Accordingly, Applicants respectfully request that the Examiner allow claims 2-3 and 7-9.

The Examiner objected to claims 1-2, 4-5, 10-12, and 14 for a number of informalities. Applicants amend these claims in accordance with the Examiner's suggestions, and respectfully request that the Examiner withdraw the objections.

Claims 4-6 and 10-14 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

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With respect to claim 4, Applicants remove the term "label multiplex layer 2 links" and respectfully submit that claim 4 clearly recites "assigns a label of each layer 2 link of said connection request to a layer 2 packet from the user-side device..." (Emphasis added)

Applicants amend claims 5, 6, 10, 11, and 13 to clarify the claim language objected to by the Examiner on page 5 of the Office Action. Applicants also amend claims 5, 6, and 12-14 to eliminate the antecedent basis problems noted by the Examiner on page 6 of the Office Action. Applicants respectfully request that the Examiner withdraw the §112, ¶2 rejections.

Claims 1 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Applicants' Admitted Prior Art ("AAPA") in view of United States Patent No. 6,519,256 to Kim. Applicants amend claim 1 in a good faith effort to further clarify the invention as distinguished from the cited references. Applicants respectfully traverse the rejection.

The Examiner acknowledged that AAPA fails to disclose "a layer 2 link handler," and relied upon Kim as a combining reference that allegedly discloses this feature. Even assuming, arguendo, that it would have been obvious to one skilled in the art to combine the references, the combination would still have failed to disclose or suggest connecting layer 1 paths using layer 2 link information, so as not to form or set a layer 1 PVC path.

In other words, AAPA and Kim, as cited and relied upon by the Examiner, fail to disclose or suggest,

"[a] layer 2 link handler provided in a network-side device, the network-side device connected with a user-side device by a permanent virtual connection path of layer 1, wherein said user-side device is made to connect to one among multiple specified connection destinations via one of permanent virtual connection paths of layer 1 or switched virtual connection paths of layer 1, the layer 2 link handler comprising:

a path specification means that specifies one path of a connection request destination from layer 2 link information that is

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emitted from the user-side device at the time of a layer 2 link connection request; and

a path connection means that causes said permanent virtual connection path of layer 1 connected between said network-side device and the user-side device to connect to one specified path of the connection request destination,” as recited in claim 1.
(Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claim 14 dependent therefrom, is patentable over AAPA and Kim, separately and in combination, for at least the above-stated reasons.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicants appreciate the Examiner’s implicit finding that the additional reference made of record, but not applied, does not render the claims of the present application unpatentable, whether this reference is considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

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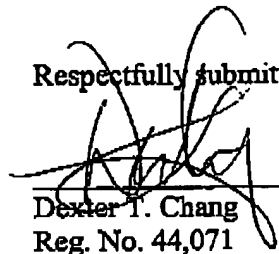
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Respectfully submitted,



Dexter T. Chang

Reg. No. 44,071

CUSTOMER NO.: 026304
Telephone No.: (212) 940-6384
Fax No.: (212) 940-8986/87
Docket No.: FUJ 17.433 (100794-11493)
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